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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/460,962	12/14/1999	CORWYN R. MEYER	450.311US1	3176

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GATEWAY, INC.  
ATTN: SCOTT CHARLES RICHARDSON  
610 GATEWAY DRIVE  
MAIL DROP Y-04  
N. SIOUX CITY, SD 57049

EXAMINER

NGUYEN, FRANCIS N

ART UNIT

PAPER NUMBER

2674

DATE MAILED: 12/31/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

6

<b>Office Action Summary</b>	Application No.	Applicant(s)
	09/460,962	MEYER, CORWYN R.
Examiner	Art Unit	
FRANCIS NGUYEN	2674	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

1) Responsive to communication(s) filed on 16 October 2002.

2a) This action is FINAL.                    2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

4) Claim(s) 1-18 is/are pending in the application.

4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5) Claim(s) 13,14 and 18 is/are allowed.

6) Claim(s) 1-8,10-12 and 15-17 is/are rejected.

7) Claim(s) 9 is/are objected to.

8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11) The proposed drawing correction filed on \_\_\_\_\_ is: a) approved b) disapproved by the Examiner.

If approved, corrected drawings are required in reply to this Office action.

12) The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All b) Some \* c) None of:

1. Certified copies of the priority documents have been received.

2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.

3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

a) The translation of the foreign language provisional application has been received.

15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

1) Notice of References Cited (PTO-892)                    4) Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_ .

2) Notice of Draftsperson's Patent Drawing Review (PTO-948)                    5) Notice of Informal Patent Application (PTO-152)

3) Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_ .                    6) Other: \_\_\_\_\_

## DETAILED ACTION

### *Response to Amendment*

1. The amendment filed on 10/16/2002 is entered.

### *Claim Rejections - 35 USC § 102*

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) do not apply to the examination of this application as the application being examined was not (1) filed on or after November 29, 2000, or (2) voluntarily published under 35 U.S.C. 122(b). Therefore, this application is examined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

3. Claims 1, 4-5, 7, 15-17 are rejected under 35 U.S.C. 102(e) as being anticipated by Tice et al. (US Patent 6,252,501).

As to **claim 1**, Tice et al. discloses a system for notifying a user of a loss of wireless communication ( **multiprocessor system 10**, column 3, lines 56-45, the system comprising a host device ( device 200, column 4, lines 58-60) ; at least one peripheral device ( device 1, figure 3A, column 4, lines 58-60), connected to the host device by a wireless connection (**system 10 can communicate wirelessly**, column 3, lines 65-

67, column 4, lines 14-15, lines 45-46) , the at least one peripheral device being capable of sending a first signal to the host device ( **first message to second unit**, column 2, lines 13-14), and the host device being capable of sending a second signal to the at least one peripheral device in response to, and verifying receipt by the host device of, the first signal sent by the at least one peripheral device ( **acknowledgement message**, column 2, lines 14-15) ; and an alarm responsive to a determination that the second signal has not been received ( **keeping track of presence or absence of communication via a control unit** 12, column 3, lines 59-61, **acknowledge message is not transmitted in presence of an error**, column 2, 19-20, **communication error recognized by devices or control unit**, column 4, lines 66-67, **corresponds to the claimed determination that the acknowledgement signal is not received** ) by the at least one peripheral device, the alarm notifying the user of the loss of wireless connection between the host device and the at least one peripheral device ( **plurality 26 of output devices intended to broadcast a message**, which might **indicate alarm condition**, column 4, lines 20-26).

As to **claim 4**, the system of claim 1, wherein the wireless connection is an IR connection ( **communicate by infrared**, column 3, line 66).

As to **claim 5**, the system of claim 1, wherein the wireless connection is an RF connection ( **communicate by RF**, column 3, line 66).

As to **claim 7**, the system of claim 1, wherein the alarm is an audible alarm( **plurality 26 of output devices could include audible or visible devices, intended to broadcast a message which might indicate alarm condition**, column 4, lines 23-27).

As to **claims 15-16**, Tice et al. teaches a method and associated computer-readable medium having instructions for ( **read only memory 30a and read-write memory 30b**, column 4, lines 37-39) performing method for notifying a user of a loss of wireless communication between a host device and at least one peripheral device, the method comprising; detecting a loss of wireless communication between a host device and the at least one peripheral device(**keeping track of presence or absence of communication via a control unit 12**, column 3, lines 59-61, **acknowledge message is not transmitted in presence of an error**, column 2, 19-20, **communication error recognized by devices or control unit**, column 4, lines 66-67 ); signaling software controlling a transceiver that the loss of communication has been detected (**communication error recognized by devices or control unit**, column 4, lines 66-67 ); transmitting a message to alert the user of the loss of wireless communication (**plurality 26 of output devices intended to broadcast a message**, which might **indicate alarm condition**, column 4, lines 20-26).

As to **claim 17**, the system of claim 1, wherein the alarm is configured as part of said at least one peripheral device ( **plurality 26 of output devices could include audible or visible devices, intended to broadcast a message which might indicate alarm condition**, column 4, lines 23-27.

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Tice et al. As to claim 8, Tice et al. fails to expressly teach audible alarm comprising a series of beeps. Note however, Tice et al. refers to audible output devices without limitation, column 4, lines 23-24 and interconnected programmed processors, column 3, lines 60-61; this implies sounds are processor generated (computer generated sounds). **It would have been obvious to a person of ordinary skill in the art to utilize the system of Tice et al. , then modify output device 26 to include computer generated sounds as a series of beeps to obtain the system Tice et al. modified because it would quickly alert the user of abnormal state of communication.**

6. Claims 2-3, 6, 11-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tice et al. in view of Frederick (US Patent 5,990,868).

As to **claim 2**, Tice et al. fails to teach at least one peripheral device is a computer keyboard. Frederick teaches a host computer 12 and a wireless keyboard 16 (column 3, lines 29-35). **It would have been obvious to a person of ordinary skill in the art at the time of the invention to utilize the system of Tice et al. and specifically make one of members of plurality function units 20 as keyboard (since this is a device which provides input function to a host computer) to obtain the system Tice et al. modified by Frederick because it would allow a user to communicate wirelessly to a host computer via data entry.**

As to **claim 3**, the system of claim 2 ( see the same citation for claim 2) wherein the keyboard comprises an input device through which multiple peripheral devices may communicate with the host computer ( **keyboard 16 comprising a trackball 28 as shown in figure 2**, column 3, lines 45-49 ).

As to **claim 6**, Tice et al. fails to teach at least one peripheral device is a remote controller. Frederick teaches a host computer 12 and a remote control 20 ( column 4, lines 60-61, figure 3). **It would have been obvious to a person of ordinary skill in the art at the time of the invention to utilize the system of Tice et al. and specifically make one of members of plurality function units 20 as remote control , as taught by Frederick (since this is a device which provides input function to a PC/TV) to obtain the system Tice et al. modified by Frederick because it would allow a user to communicate wirelessly to a host PC/TV .**

As to **claim 11**, Tice et al. fails to expressly teach the at least one peripheral device comprises a first peripheral device and at least one additional peripheral device . Frederick teaches a host computer 12, a wireless keyboard 16 ( column 3, lines 29-35) **further comprising a trackball ( keyboard 16 comprising a trackball 28 as shown in figure 2**, column 3, lines 45-49 ). Note that **keyboard data entry and trackball operation for cursor control are separately recognized by host computer 12 as separate input events**. **It would have been obvious to a person of ordinary skill in the art at the time of the invention to utilize the system of Tice et al. and specifically make one of members of plurality function units 20 as keyboard which further comprises a trackball (since this is a device which provides input function to a host computer) to obtain the system Tice et al. modified by Frederick because it would**

**allow a user to communicate wirelessly to a host computer via data entry or cursor control, without need of a separate trackball device and required space .**

As to **claim 12**, wherein the alarm comprises a first alarm specific to the first peripheral device and a second alarm specific to the at least one additional peripheral device ( output devices as audible or visible output devices for indication of alarm condition **in one or more predetermined regions**, column 4, lines 23-28, this implies that the first alarm could be audio alarm device and second alarm is visual alarm device).

7. Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Tice et al. in view of Bradley et al. ( US Patent 5,805,067).

As to claim 10, Tice et al. fails to teach a vibrating alarm. Bradley et al. teaches an alarm device which includes a mechanical alarm such as a vibrator (column 14, lines 66-67). **It would have been obvious to a person of ordinary skill in the art at the time of the invention to utilize the system Tice et al. then modify an output device 26 of system Tice et al. to include an alarm with vibrator as taught by Bradley et al. to obtain the system Tice et al. modified by Bradley et al. because it will provide an effective alarm notification to a visually/hearing impaired individual as taught by Bradley et al. ( column 14, line 67 through column 15, line 2).**

***Allowable Subject Matter***

8. Claims 13-14 and 18 are allowed.

9. Claim 9 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The following is a statement of reasons for the indication of allowable subject matter:

As to claim 9, none of prior art teaches a system for notifying a user of a loss of wireless communication wherein the alarm is an audible alarm comprising a series of beeps wherein said series of beeps increases in volume over time, until the alarm is shut off by the user.

As to claims 13-14 and 18, none of prior art teaches a computer based method for wireless communication between a host computer and a first peripheral device, the method comprising sending a second signal from a host computer to a first peripheral device confirming the receipt of the first signal by the host computer within a preselected time period following transmission thereof, wherein when said first peripheral device recognizes the second signal from the host computer confirming the receipt of the first signal by the host, the first peripheral device sends a third signal to the host computer and awaits confirmation thereof, and wherein when the first peripheral device fails to receive the second signal from the host computer, the first peripheral retransmits the first signal a preselected number of times,

*Response to Arguments*

10. Applicant's arguments with respect to claims 1-8, 10-12, 15-17 have been considered but are moot in view of the new ground(s) of rejection.

***Conclusion***

11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

U.S. Patent           Van Ryzin           6,131,130

U.S. Patent           Choy et al.       6,032,040

U.S. Patent           Herring           6,011,806

U.S. Patent           Matsukane et al.   5,467,341

U.S. Patent           Lansford           6,343,071

Reference Van Ryzin is made of record as it discloses a wireless communication system with wireless peripheral input devices.

Reference Choy et al. is made of record as it discloses a wireless communication system that autoreconnects when communication link is disconnected.

Reference Herring is made of record as it discloses a cellular communication protocol wherein communication link between a monitoring station and a remotely located response center is lost.

Reference Matsukane et al. is made of record as it discloses an apparatus and method for alerting computer users in a wireless LAN.

Reference Lansford is made of record as it discloses a wireless communication between computers and between peripherals.

**4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Francis Nguyen ( 8:00AM to 4:30PM) whose telephone number is (703) 308-8858.**

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Richard Hjerpe**, can be reached at **(703) 305-4709**.

***Any response to this action should be mailed to:***

Commissioner of Patents and Trademarks

Washington, D.C. 20231

**or faxed to:**

**(703) 872-9314 ( for Technology Center 2600 only)**

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA, Sixth Floor (Receptionist).

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Technology Center 2600 Customer Service Office whose telephone number is (703) 306-0377.

FRANCIS NGUYEN

Examiner

Art Unit 2674



December 26th, 2002